

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, |) | |
| |) | 8:07CR147 |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| JAMES R. DEAN, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on the motion to continue by defendant James R. Dean (Dean) (Filing No. 18). Dean seeks a continuance of the trial scheduled for September 10, 2007, due to the unavailability of his counsel for medical reasons. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Dean's motion to continue trial (Filing No. 18) is granted.
2. Trial of this matter is re-scheduled for **October 15, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 13, 2007 and October 15, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 13th day of August, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge